

PROPOSED ORDER  
[Granting Stay Pending Appeal]

UNITED STATES DISTRICT COURT  
DISTRICT OF DELAWARE

In re:

**THE IT GROUP, INC., et al.**

Post-Confirmation Estate.

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**JOHN ACCARDI, et al.,**

Movants/Appellants,

v.

**IT LITIGATION TRUST, successor in  
interest to IT CORPORATION, IT GROUP,  
INC., and their subsidiaries in bankruptcy,  
ANTHONY DeLUCA, FRANCIS HARVEY,  
HARRY SOOSE, and CARLYLE  
PARTNERS II, LP, et al.,**

Respondents/Appellees.

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**ROCHELLE BOOKSPAN,**

Movant/Appellant,

v.

**IT LITIGATION TRUST, successor in  
interest to THE IT GROUP, INC., et al.,**

Respondents/Appellees.

Chapter 11

Bankruptcy Case No. 02-10118 (MFW)

Jointly Administered

Civ. No: 04-146 (JJF) (lead case)  
[consolidated with Civ. No. 04-147 (JJF)]

**ORDER GRANTING EMERGENCY *EX-PARTE* REQUEST OF THE ACCARDI  
APPELLANTS AND ROCHELLE BOOKSPAN FOR TEMPORARY STAY OF ORDER  
RELEASING TRUSTEE FROM RESERVE ORDER AND AUTHORIZING  
DISTRIBUTION OF SCHEDULE C-1 RESERVE, AND FOR ORDER SETTING  
BRIEFING SCHEDULE**

With respect to the motion for stay pending appeal and additional relief in the emergency motion captioned: "Emergency *Ex-Parte* Request of the Accardi Appellants and Rochelle Bookspan for Temporary Stay of Order Releasing Trustee From Reserve Order and Authorizing Distribution of Schedule C-1 Reserve, and for Order Setting Expedited Briefing Schedule; Motion

for Stay, Pending Appeal, of Enforcement of Orders Dismissing Adversary Proceedings, of Order Releasing Trustee From Reserve Order and Authorizing Distribution of Schedule C-1 Reserve; Request in the Alternative for Temporary Stay Pending Filing of Request for Emergency Stay with United States Court of Appeals for the Third Circuit (the “Emergency Motion”), filed on October 11, 2005, by twenty-nine claimants (*John Accardi, et al.*), and Rochelle Bookspan (collectively, the “Accardi Appellants”), and the Court having considered the Emergency Motion, the exhibits and other evidence attached thereto, the Court having jurisdiction to hear the Emergency Motion under Federal Rule of Bankruptcy Procedure 8005; and it appearing that sufficient notice of the Emergency Motion having been given, the Court finds that a reserve order was entered by the United States Bankruptcy Court, District of Delaware on July 8, 2004 (“Reserve Order”), in the bankruptcy case of the IT Group, Inc. (Case No. 02-1-0118 (MFW)), that requires Alix Partners LLC, trustee of the IT Litigation Trust (“IT Trustee”) to reserve for the alleged priority and secured claims of the Accardi Appellants in the amount of \$3,146,427.83 (“Schedule C-1 Reserve”); that per order entered October 7, 2005 (D.I. 6332) the Bankruptcy Court granted the motion of the IT Trustee to, among other things, modify the Reserve Order (“Reserve Motion”) to provide that the Trustee no longer needs to maintain the Schedule C-1 Reserve and that any funds therein may be distributed by the Trust in accordance with the Joint Plan confirmed April 5, 2004, and provides further, additional relief (“Reserve Modification Order”); and after due deliberation thereon and good and sufficient cause showing, it is hereby:

**ORDERED** that the Motion for Stay Pending Appeal is granted; it is further

**ORDERED** that IT Trustee shall be and hereby is stayed from (a) releasing the “Schedule C-1 Reserve” and shall continue to maintain said reserve, and from (b) distributing the funds constituting the Schedule C-1 Reserve pursuant to the terms of the Joint Plan pending further order

of this Court, after disposition of the appeal pending before the U.S. Court of Appeals for the Third Circuit captioned Accardi et al. v. IT Litigation Trust, et al., Civ. No. 05-2191.

October \_\_\_\_, 2005

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Honorable Joseph J. Farnan, Jr.  
United States District Court Judge